

21—68.11 (192,194) Suspension of dairy farm permits.

68.11(1) Grade A and Grade B farm permit suspension and revocation. The department may temporarily suspend a Grade A or Grade B farm permit if the dairy farm fails to meet all the requirements as set forth in the P.M.O. or the Grade B United States Department of Agriculture document titled, "Milk for Manufacturing Purposes and Its Production and Processing, Recommended Requirements," effective September 1, 2005. A Grade A farm under temporary suspension of the Grade A permit may sell the milk as "milk for manufacturing purposes" until reinstated as a Grade A farm if the former Grade A farm meets the requirements necessary to sell Grade B milk. A Grade B farm under temporary suspension of the Grade B permit may sell milk as "Undergrade Class 3" until reinstated as a Grade B farm if the former Grade B farm meets the requirements of Undergrade Class 3. If an inspection reveals a violation which, in the opinion of the inspector, is an imminent hazard to the public health, the inspector shall take immediate action to prevent any milk believed to have been exposed to the hazard from entering commerce. In addition, the inspector shall immediately notify the department that such action has been taken. In other cases, if there is a repeat violation of a dairy standard as determined by two consecutive routine inspections of a dairy farm, the inspector shall immediately refer the violation to the department for action. The department may revoke the dairy permit of a person that the department determines is a habitual violator as defined in rule 21—68.1(192,194).

68.11(2) Summary suspension of dairy farm permits. If the department finds that the public health, safety or welfare imperatively requires emergency action, summary suspension of a permit may be ordered pending proceedings for revocation or other action. If a permit is summarily suspended, no milk or milk products may be sold or offered for sale until permit is reinstated.

The following situations or incidents are situations in which summary suspension is appropriate:

- a.* Unclean milk contact surfaces of equipment or utensils.
- b.* Filthy conditions in a milking barn or parlor or in a cattle housing area, including several days' accumulation of manure in the milking barn gutters, calf pens or in other areas.
- c.* Filthy conditions in a cow yard and very dirty cows.
- d.* Filthy conditions in a milk room/milk house.
- e.* Water supply, water pressure, or water heating facilities not in compliance with standard operating procedures.
- f.* No access to hand-washing facility in the milk room/milk house.
- g.* Violation of standards under this chapter related to well construction or potability of water supply, including any cross connections between potable and nonpotable water sources.
- h.* Lack of an approved sanitizer in the milk room/milk house or adjacent storage area to meet the sanitizing requirements.
- i.* Visibly dirty udders and teats on cows being milked.
- j.* Milk not cooled in compliance with subrule 68.22(4).
- k.* Rodent activity in the milk room/milk house, or severe rodent activity in a milking barn or milking parlor or in a feed storage room.
- l.* Dead animals in the milking barn, parlor or cow yard.
- m.* Other situations where the department determines that conditions warrant immediate action to prevent an imminent threat to the public health or welfare.

68.11(3) A Grade A dairy producer whose permit has been suspended for a period of 12 consecutive months shall be downgraded to the Grade B market and be issued a Grade B permit.